

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. Homer Gary Flemming	For U. S.: Nathan G. Graham U. S. Attorney Tulsa, Oklahoma For Defendant: Douglas Fox (Appt.) R. Frank Hickman Wright Bldg. Tulsa, Okla. 74103 Doug Fox (Appt.) 4th Natl Bldg., Tulsa

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 1-31-71	Clerk					
J.S. 3 mailed 3-1-71	Marshal					
Violation Internal Revenue	Docket fee					
Title 26						
Sec. 7206(4)						

DATE	PROCEEDINGS
1-21-71	Indictment, filed in open court. b
1-21-71	Record vote of the grand jury, filed in open court. b
1-21-71	Ordered by the Court that the bond of the defendant is fixed in the sum of \$2,500.00. (Allen E. Barrow - Judge) b
1-21-71	Warrant for arrest of the defendant issued. b
2-2-71	Defendant present in person and represented. Def. arraigned and enters plea of NOT GUILTY, and case passed for Jury Trial on Tues. Feb. 16, 1971 at 9:30 A.M. Defendant granted to Feb 9, 1971 to file motions. (AEB-J)h
2-9-71	It is ordered that attorney Doug Fox is granted until Thurs. Feb. 11, 1971 in which to file motions. (AEB-J)h
2-11-71	Defendant's motion to suppress evidence, to dismiss indictment; and to furnish Bill of Particulars, filed. b
2-11-71	Brief in support of motions, filed. b
2-16-71	Defendant's Amendment to Motion to Dismiss Indictment, filed. r
2-16-71	Hearing held on motion to suppress evidence, etc. It is ordered that Motion for Bill of Particulars is granted, and case passed for further hearing on motion to suppress evidence, to dismiss indictment on Friday, 2-19-71 at 10:00 am and Jury trial. (AEB-J)h (over)

DATE	PROCEEDINGS
2-17-71	Govt's bill of particulars, filed. m
2-19-71	Defendant Homer Gary Flemming present in person and represented. Hearing held on Motion to suppress evidence and to dismiss indictment. Statements made. Witnesses sworn. It is ordered by the court that motion to suppress evidence is moot and motion to dismiss Indictment is sustained and Indictment as to the defendant Homer Gary Flemming is hereby dismissed. Government gives oral notice of appeal. (AEB-J)h
2-25-71	Order of dismissal of indictment, filed and entered. (AEB-J)g
3-8-71	Reporter's Transcript of Proceedings had on Feb. 16 & 19, 1971 filed. (LM-CR)h
3-17-71	Notice of appeal by USA, filed. cpy to USCA and Douglas Fox. & Flemming.g
4-1-71	Notice of dismissal of appeal by USA, filed. g cpies mailed. g

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Jack C. Silver 411 U.S. Courthouse, Tulsa, Okla.
(Name of commissioner) (Address)

COMMISSIONER'S
DOCKET No. 1 CASE No. 150
THE UNITED STATES
vs.

Homer G. Flemming

Complaint filed on Oct. 1, 1970, by Albert W. Davis
Official title Spe. Ag. IRS, charging violation of
United States Code, Title 26, Section 7212 b, on Sept. 30,
1970, at Tulsa, Okla. in the
division of the Northern district of Oklahoma
as follows: knowingly and forcibly rescue and
cause to be rescued one 67 chevrolet
sports van, Okla. lic. tag ZH-9388, after said
auto had been seized by duly auth. officers of
IRS.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Oct. 1, 1970 Warrant/Summons for Homer G. Flemming aka Homer G. Fleming,
(Name of defendant)
to (name and title of officer) U. S. Marshal or any authorized officer: 7365
Substance of return

FILED

Date Warrant/Summons for OCT 19 1970
(Name of defendant)
to (name and title of officer) JOHN H. POE, Clerk
Substance of return U. S. DISTRICT COURT

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Oct. 1, 1970 Arrested by Albert W. Davis
SA IRS
on warrant of Jack C. Silver
(Name of issuing officer)
without warrant.
Appearances { for United States Ben F. Baker U. S. Atty, Tulsa
(Name) (Address)
for accused
(Name) (Address)

Proceedings taken on Oct. 1, 1970, the accused in person, and not represented by

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"

counsel. Advised as to counsel, and accused waives counsel and signed waiver

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

of counsel. The accused is advised of his right to preliminary hearing, with

if that is the fact; any adjournments taken, etc.

preliminary set for the 9th of Oct. 1970 at 10:00 A.M.. Bond is set in the

amount of \$1,000.00, unsecured. Order of Release Issued.

Outcome 10-9-70, Preliminary heard, accused bound over for U.S. Court Action.

Bail fixed Oct. 1, 1970 Amount, \$1,000.00 Bonded Oct. 1, 1970, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19.

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date Oct. 9, 1970 Appearances for

{ United States (Name) Nathan G. Graham
(Address) _____
Accused (Name) None
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

~~XXXXXXXXXX~~, _____
B. Wayne Ockerman IRS, Tulsa
Albert W. ~~XXXXX~~ Davis IRS, Tulsa

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken on Oct. 9, 1970 at 10:00 A.M., Preliminary Examination held, 2
w/s, Homer G. Flemming present in person and not represented, the accused
waives counsel for this hearing. The government represent by Nathan Graham.
Mr. B. Wayne Ockerman and Mr. Albert W. Davis sworn and testified for the
Gov... The defendant advised as to his rights to testify and did not wish to
testify or offer witnesses.
Commissioner finds that there is probable cause to believe that the offense
so charged has been committed and that he has committed it. Defendant to be
X held for Court Action, release on bond of \$1,000.00 heretofore made.

Outcome _____
Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 9th day of October, 19 70

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, October 9, 19 70



United States Commissioner.